

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:)	
)	
Montreal Maine & Atlantic Railway Ltd.,)	Case No. 13-10670
)	
Debtor.)	
)	

NOTICE OF EXAMINATION OF THE DEBTOR PURSUANT TO (1) SECOND INTERIM ORDER AUTHORIZING DEBTOR TO USE CASH COLLATERAL AND GRANTING ADEQUATE PROTECTION MOTION; (2) FED. R. BANKR. P. 2004; AND (3) D.Me. LBR 2014-1(a)

To: Robert K. Keach, Esq. Michael A. Fagone, Esq. Bernstein, Shur, Sawyer & Nelson, P.A. 100 Middle Street P.O. Box 9729 Portland, Maine 04104-5029	Roger A. Clement, Jr., Esq. Nathaniel R. Hull, Esq. Verrill Dana, LLP One Portland Square P.O. Box 586 Portland, Maine 04112-0586
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The Wheeling & Lake Erie Railway Company (“W&LER”) hereby gives notice, pursuant to ¶ 4 of the Second Interim Order Authorizing Debtor to Use Cash Collateral and Granting Adequate Protection (the “Second Cash Collateral Order”) [D.E. # 98], of its intent to examine the Debtor on *Tuesday, September 3, 2013, at 10:00 A.M.* at the offices of W&LER’s counsel, *Marcus, Clegg & Mistretta, P.A., One Canal Plaza, Suite 600, Portland, Maine 04101-4035.*

The oral deposition will continue from day to day until completed. The deposition will be recorded by stenotype machine and videotape. You are invited to attend and cross-examine.

More specifically, W&LER intends to examine the Debtor on the following topics:

1. The allegations made in the Debtor’s Motion for Order Pursuant to 11 U.S.C. §§ 361, 262, and 363; (I) Authorizing Debtor To Use Of [sic] Cash Collateral On Interim Basis; And (ii) Scheduling A Hearing To Consider The Use Of Cash Collateral On A Final Basis (the “Cash Collateral Motion”) [D.E. # 4];
2. The allegations made in the Supplemental Document filed by the Debtor in support of the Cash Collateral Motion (the “Supplement”) [D.E. # 49];
3. The Interim Order Authorizing Debtor to Use Cash Collateral and Granting Adequate Protection (the “First Cash Collateral Order”) [D.E. # 51];

4. The Second Cash Collateral Order;
5. The various (actual and projected) budgets, incomes statements, balance sheets, statements of cash flow, accounts receivable agings, and any other financial information or statements provided to the Bankruptcy Court, W&LER, and/or other parties-in-interest since August 7, 2013 (the "Petition Date"), including any such documents or data related to the Cash Collateral Motion, the Supplement, the First Cash Collateral Order and/or the Second Cash Collateral Order;
6. The Debtor's historical and projected future business operations;
7. The Debtor's accounts receivable generally, including the breakdown of accounts receivable generated and/or billed (historically and projected) by the Debtor as opposed to by its Canadian subsidiary;
8. The allegations made in the Motion of Travelers Property Casualty Company of America for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1) (the "Travelers Motion") [D.E. # 105].

In addition, and pursuant to ¶ 4 of the Second Cash Collateral Motion and W&LER's document request dated August 23, 2013, the Debtor is required to produce the following documents at

W&LER's counsel's office *on or before August 30, 2103 at 5 p.m. E.S.T.:*

- A. All Information requested by MDOT in paragraph 27 of their Response to the Debtor's Cash Collateral Motion [D.E. #60];
- B. Borrowing Base Certificates prepared in conformity with the requirements of the W&LER/Debtor lending documents for (a) July 31, 2013; and (b) August 31, 2013 (or as close as possible for August month-end); and
- C. Accounts receivable agings for both the Debtor and its Canadian subsidiary as of (a) July 31, 2013; and (b) August 31, 2013 (or as close as possible for August month-end).

Dated: August 28, 2013

/s/ David C. Johnson
George J. Marcus
David C. Johnson

Counsel for Wheeling & Lake Erie Railway
Company

MARCUS, CLEGG & MISTRETTA, P.A.
One Canal Plaza, Suite 600
Portland, ME 04101
207.828.8000

CERTIFICATE OF SERVICE

I, Holly C. Pelkey, hereby certify that I am over eighteen years of age and caused a true and correct copy of the above document to be served on the parties at the addresses set forth on the **SERVICE LIST** below either via electronically or first class U.S. mail, postage prepaid, on the 28th day of August, 2013.

/s/ Holly C. Pelkey
Holly C. Pelkey
Legal Assistant

Mailing Information for Case 13-10670

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

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- Pamela W. Waite pam.waite@maine.gov

Manual Notice List

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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